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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/941,960	08/28/2001	David J. Fischer	020431.0738	7734
53184	7590	10/11/2006	EXAMINER	
i2 TECHNOLOGIES US, INC. ONE i2 PLACE, 11701 LUNA ROAD DALLAS, TX 75234			JEANTY, ROMAIN	
		ART UNIT	PAPER NUMBER	
			3623	

DATE MAILED: 10/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/941,960	FISCHER ET AL.
<b>Examiner</b>	<b>Art Unit</b>	
Romain Jeanty	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on \_\_\_\_\_.  
2a)  This action is **FINAL**.                    2b)  This action is non-final.  
3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1,6-8,10-12,17-19,21,26-28,30 and 31 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1,6-8,10-12,17-19,21,26-28,30 and 31 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_

5)  Notice of Informal Patent Application

6)  Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This Office action is in response to the communication received June 13, 2006. Claims 1, 6-8, 10-12, 17-19, 21, 26-28, and 30-31 are still pending in the application.

### **Response to Arguments**

2. Applicant's arguments with respect to claims 1, 6-8, 11-12, 17-19, 21, 26-28, and 30-31 have been considered but are moot in view of the new ground(s) of rejection.

### **Claim Rejections - 35 USC § 103**

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 6-8, 11-12, 17-19, 21, 26-28, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lidow (U.S. Patent No. 7,003,474) in view of Proquest (Logility Announces Voyager XPS; Internet-based Application Assists Companies with Collaborative Planning, Forecasting and Replenishment (CPFR) Process).

As per claims 1 and 30, Lidow discloses a supply chain network. In so doing, Lidow discloses automatically generate a plan according to the planning data, at least two of the entities not directly communicating planning data to one another (i.e., planners for generating plans based on demand requirements)(col. 8, lines 11-27; col. 14, lines 5-31), a manager application operable to receive the plan and automatically identify one or more exceptions in the plan,

communicate planning data relating to the exceptions to one or more of the entities (col. 7, lines 60 through col. 8 line5), receive instructions from one or more of the entities regarding how the exceptions are to be resolved, and automatically modify the planning data in response to the instructions (col. 15, lines 46-65 and col. 22, lines 25-36). Lidow teaches all of the limitations above; however, Lidow fails to *explicitly disclose a planning application operable to receive planning data from plurality of entities included in a value chain. Proquest in the same field of endeavor, however, teaches a planning application for receiving planning data (demand data) from enterprises/customers, and instruction to communicate the planning data. Note pages 1-4 of Proquest. It would have been obvious to a person of ordinary skill in the art to modify the disclosures of Lidow to incorporate the disclosures of Proquest with the motivation to provide better experience for customers and optimize enterprise operations.*

As per claim 6, Lidow further discloses a supply planning engine, the plurality of entities comprise enterprises, and the plan comprises a supply chain plan for at least a portion of a supply chain including the enterprises (i.e. a supply chain planners)(col. 14, lines 5-11).

As per claim 7, Lidow further discloses wherein at least one of the exceptions comprises an excess or lack of supply of an item (col. 11, line 22).

As per claim 8, Lidow further discloses wherein the planning data comprises data selected from the group consisting of demand data, supply data, inventory data, and capacity data (See abstract).

As per claim 11, Lidow further discloses wherein the marketplace comprises a web server operable to communicate the planning data relating to the exceptions to one or more entities in the value chain (col. 27, lines 38-50).

Claim 12 is a method claim corresponding to system claim 1 and is rejected under 35 U.S.C 103 for the same reason set forth in claim 1.

Claims 17-19 are method claims corresponding to system claims 6-8 and are rejected under 35 U.S.C 103 for the same reason set forth in claims 6-8.

Claim 21 is a software, the software embodied in a computer-readable medium corresponding to system claim 1 and is rejected under 35 U.S.C 103 for the same reason set forth in claim 1.

Claims 26-28 are a software, the software embodied in a computer-readable medium corresponding to system claims 6-8 and are rejected under 35 U.S.C 103 for the same reason set forth in claims 6-8.

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lidow (U.S. Patent No. 7,003,474) in view of Proquest as applied to claim 1 above.

6. As per claim 10, Lidow fails to explicitly disclose an electronic marketplace that supports the planning application and the manager application. However, it would have been obvious to a person of ordinary skill in the art to have modified the disclosures of Lidow to incorporate an electronic marketplace as a hub between the entities with the motivation to allow the entities to send and receive messages.

7. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lidow (U.S. Patent No. 7,003,474) in view of Proquest (Logility Announces Voyager XPS; Internet-based Application Assists Companies with Collaborative Planning, Forecasting and Replenishment (CPFR) Process) and further in view of Notani et al "Notani" (U.S. Patent No. 6,567,783).

Claim 31 recites all of the limitations of rejected claim 1 above; therefore, claim 31 is rejected under the same rationale relied upon of claim 1 above. In addition, Lidow discloses automatically communicate a notification regarding the existence of an exception to one or more of the entities (col. 8, lines 11-27; col. 12, lines 52-59), receive a request for information about the exception from one or more of the entities in response to the notification, automatically communicate planning data relating to the exception to one or more of the entities in response to receiving the request, receive instructions from one or more of the entities regarding how the exceptions are to resolved (col. 15, lines 11-45), automatically modify the planning data in response to the instructions (i.e. adjusting the demand information) (col. 14, lines 5-31).

Lidow does not explicit disclose the concept of controlling access to the planning information based on a permissibility framework. Notani in the same field of endeavor, discloses the concept of controlling access in a value supply chain environment on a permissibility framework. Note col. 11, lines 11-48 of Notani. Therefore, it would have been obvious to a person of ordinary skill in the art to have modified the disclosures of Lidow to include the controlling access of information based on permissibility framework in the same conventional manner as disclosed by Notani in order to protect the validity of the planning information.

### **Remarks**

8. Applicant asserted that Lidow does not teach the claimed invention. Applicant further supported his assertion by arguing that Lidow does not teach a planning application operable to

receive planning data from a plurality of entities in value chain. In response, the examiner disagrees and applicant is directed to the rejection of in paragraph 4 above.

Applicant further argued that Lidow does not teach an electronic marketplace that supports the planning application and the manager application. In response, the examiner respectfully disagrees because Notani clearly teaches the concept of an electronic marketplace in a supply chain system that provides support to enterprises. Therefore, it would have been obvious to a person of ordinary skill in the art to modify the disclosures of Lidow, and Proquest to incorporate the teachings of Notani so that messages can be communicated to the parties/enterprises.

In response to applicant's argument that the Office action has not shown the required teaching, suggestion, or motivation in these references or in knowledge generally available to those of ordinary skill in the art at the time of the invention, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, incorporating an electronic marketplace that supports the planning application and the manager application would have been obvious to a person of ordinary skill in the art with the motivation to allow the sending and receiving of messages between the enterprises.

### **Conclusion**

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The references below read on applicant's claimed limitations:

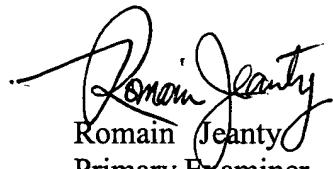
- a. Dialog (Logility Integrates With PeopleSoft To Win Smead Logility Planing And Forecasting Solutions To Complement PeopleSoft Enterprise Applications For Office Filing Systems Manufacturer).
- b. Walters et al (Value and information – concept and issues for management).
- c. Lapide (Supply Chain Planning Optimization: Just the Facts)
- d. Dialog (Badcock Furnishes the Future With Logility).
- e. Industry Directions (The Next Wave of Supply Chain Advantage: Collaborative Planning, Forecasting and Replenishment).
- f. Trombly (Value-Chain Management).
- g. Dialog (Steel Lima Goes Live With J.D. Edwards B2B Supply Chain Collaboration in Under Eight Weeks), discloses a supply chain system for enabling real-time transfer of demand and supply information allowing value chain exceptions to be resolved quickly and accurately.
- h. Electronic Commerce (E-Commerce and the value chain).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Romain Jeanty whose telephone number is (571) 272-6732. The examiner can normally be reached on Mon-Thurs 7:30AM - 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R. Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

September 5, 2006



Romain Jeanty  
Primary Examiner  
Art Unit 3623